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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,550	09/28/1999	YOICHIRO SAKO	450100-02103	2896
20999	7590	11/13/2003	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			ODOM, CURTIS B	
			ART UNIT	PAPER NUMBER
			2634	7
DATE MAILED: 11/13/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/407,550

Applicant(s)

SAKO ET AL.

Examiner

Curtis B. Odom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-145 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) 10,16-31,42,47-57, 71, 77-81,83-100,114,120-124 and 126-143 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Continuation of Disposition of Claims: Claims rejected are 1-9, 11-15, 32-41, 43-46, 58-70, 72-76, 82, 101-113, 115-119, 125, 144, and 145 .

DETAILED ACTION

Claim Objections

1. Claims 43 and 44 are objected to because of the following informalities: The word "step" is suggested to be changed to "means". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9, 11-13, 32-41, 43-45, 58-70, 72-76, 101-113, 115-119, 144, and 145 are rejected under 35 U.S.C. 102(e) as being anticipated by Reams (U.S. Patent No. 5, 907, 793).

Regarding claim 1, Reams discloses a transmitting method for transmitting (Fig. 1, column 4, lines 35-67) a predetermined broadcast signal (broadcast transmission) together with predetermined additional information (source data set), the method comprising:

a constructing step (Fig. 1, column 4, lines 35-67 and column 15, lines 14-27) for constructing the additional information in which acquiring information (Fig. 2, column 15, lines 14-27) necessary to acquire related data to the broadcast signal is disposed, and

a transmitting step (Fig. 1, column 15, lines 36-61) for transmitting the broadcast signal, and transmitting the additional information, in which the acquiring information concerning the related data related to this broadcast signal is disposed, on plural occasions (column 17, lines 26-42) during the transmission of the broadcast signal.

Regarding claim 2, Reams discloses a transmitting method as claimed in claim 1, wherein said additional information in which said acquiring information is disposed is transmitted periodically in said transmitting step (column 17, lines 26-42).

Regarding claim 3, Reams discloses transmitting method as claimed in claim 1, further comprising an error detection/correction step for performing error detection/correction on said additional information (column 17, lines 26-42 checksum code).

Regarding claim 4 Reams discloses a transmitting method as claimed in claim 3, wherein said additional information is transmitted in units on which error detection/correction has been performed (column 17, lines 26-42)

Regarding claim 5, Reams discloses a transmitting method as claimed in claim 1, wherein said acquiring information comprises unique information uniquely assigned to said related data (column 15, lines 14-27 and column 6, line 50-column 7, line 45), wherein the predetermined message or prompt is the related data.

Regarding claim 6, Reams discloses a transmitting method as claimed in claim 1, wherein said acquiring information comprises recognizing information useful for recognizing the content of said related data (column 15, lines 14-27, identification code).

Regarding claim 7, Reams discloses a transmitting method as claimed in claim 1, wherein said acquiring information comprises access information used for accessing an access location

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where said related data is provided (column 18, lines 11-15), wherein the location of interest is where the related data is provided.

Regarding claim 8, Reams discloses a transmitting method as claimed in claim 1, wherein said additional information in predetermined units comprises said acquiring information according to claim 1 when said additional information is transmitted in predetermined units (Fig. 4, column 17, lines 27-41).

Regarding claim 9, Reams discloses a transmitting method as claimed in claim 1, wherein said related data is video data or audio data when said broadcast signal is predetermined video data or audio data (column 15, lines 14-27 and column 6, line 50-column 7, line 45), wherein the predetermined message or prompt is the related data.

Regarding claim 11, Reams discloses a transmitting method as claimed in claim 1, wherein information useful for recognizing the content of said related data is disposed in said additional information in addition to said acquiring information in said constructing step (column 15, lines 14-27, identification code).

Regarding claim 12, Reams discloses transmitting method as claimed in claim 1, wherein said related data is disposed in said additional information in addition to said acquiring information in said constructing step (column 7, lines 12-24) wherein the predetermined message or prompt (related data) is disposed in the additional information (source data set).

Regarding claim 13, Reams discloses a transmitting method as claimed in claim 12, wherein said related data in which said additional information is disposed, is encoded (column 7, lines 12-24).

Regarding claim 32, Reams discloses a transmitting method as claimed in claim 1, wherein, when said broadcast signal is a broadcast program of songs, said additional information comprises the titles of said songs, names of singers singing said songs, names of companies manufacturing the recording media on which said songs are recorded, jacket photos for said recording media, photos of said singers, or a part of said songs recorded on said recording media in said constructing step (column 4, lines 35-58 and column 15, lines 14-27), wherein the source data set (additional information) included identification codes which can be the titles of songs or names of the companies.

Regarding claim 33, Reams discloses a transmitting method as claimed in claim 1, wherein said additional information comprises information for a visual or audio advertisement or publicity when said broadcast signal is a predetermined image or sound in said constructing step (column 7, lines 7-24), wherein the predetermined message is a predetermined advertisement for a product or service (column 7, lines 12-24).

Regarding claims 34-41 and 43-45, the claimed device includes features corresponding to subject matter mentioned in the above rejection of claims 1-7, 9, and 11-13 which is applicable hereto.

Regarding claim 58, Reams discloses a receiving method (Fig. 1, column 16, line 11- column 17, line 49) for receiving a predetermined broadcast signal together with predetermined additional information in which acquiring information necessary to acquire related data related to this broadcast signal is disposed, comprising:

a receiving step (column 16, lines 34-61) for receiving said broadcast signal and additional information, and

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an acquiring information storing step (Fig. 1, block 17, column 16, lines 46-61) for storing said acquiring information disposed in said additional information when there is a predetermined input.

Regarding claim 59, Reams discloses a receiving method as claimed in claim 58, further comprising an error detection/correction step for performing error detection/correction on said additional information (column 17, lines 27-42).

Regarding claim 60, Reams discloses a receiving method as claimed in claim 58, further comprising a temporary storage step for temporarily storing said broadcast signal received in said receiving step (column 16, lines 46-61, RAM).

Regarding claim 61, Reams discloses a receiving method as claimed in claim 58, further comprising a temporary storage step for temporarily storing said additional information received in said receiving step (column 8, lines 11-18).

Regarding claim 62, Reams discloses a receiving method as claimed in claim 61, wherein said storage contents are updated by newly received additional information on each occasion when new additional information is received in said temporary storage step (column 8, lines 11-18).

Regarding claim 63, Reams discloses a receiving method as claimed in claim 58, wherein said additional information in which said acquiring information concerning said related data related to said broadcast signal is received on plural occasions while said broadcast signal is being transmitted (column 17, lines 27-42).

Regarding claim 64, Reams discloses receiving method as claimed in claim 63, wherein said additional information is transmitted periodically (column 15, lines 54-62).

Regarding claim 65, Reams discloses a receiving method as claimed in claim 63, wherein said acquiring information, which is disposed in said additional information transmitted on plural occasions, is stored in said acquiring information storing step when said predetermined input occurs (column 18, lines 1-11), wherein the codes are mentioned in column 17, lines 26-42 are also stored in the RAM (column 7, lines 48-51)

Regarding claim 66, Reams discloses a receiving method as claimed in claim 58, wherein said acquiring information comprises unique information uniquely assigned to said related data (column 15, lines 14-27 and column 6, line 50-column 7, line 45), wherein the predetermined message or prompt is the related data.

Regarding claim 67, Reams discloses a receiving method as claimed in claim 58, wherein said acquiring information comprises recognizing information useful for recognizing the content of said related data (column 15, lines 14-27, identification code).

Regarding claim 68, Reams discloses a receiving method as claimed in claim 58, wherein said acquiring information comprises access information used for accessing an access location where said related data is provided (column 18, lines 11-15), wherein the location of interest is where the related data is provided.

Regarding claim 69, Reams discloses a receiving method as claimed in claim 58, further comprising an outputting step for outputting said acquiring information (Fig. 4, column 17, lines 27-42 and column 18, lines 9-11).

Regarding claim 70, Reams discloses a receiving method as claimed in claim 58, wherein said related data is video data or audio data when said broadcast signal is predetermined video

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data or audio data (column 15, lines 14-27 and column 6, line 50-column 7, line 45), wherein the predetermined message or prompt is the related data.

Regarding claim 72, Reams discloses a receiving method as claimed in claim 58, wherein information useful for recognizing the content of said related data is disposed in said additional information in addition to said acquiring information (column 15, lines 14-27, identification code).

Regarding claim 73, Reams discloses a receiving method as claimed in claim 72, further comprising an outputting step for outputting information useful for recognizing the content of said related data (Fig. 4, column 17, lines 27-42 and column 18, lines 9-11).

Regarding claim 74, Reams discloses a receiving method as claimed in claim 58, wherein said related data is also disposed in said additional information in addition to said acquiring information (column 7, lines 12-24) wherein the predetermined message or prompt (related data) is disposed in the additional information (source data set).

Regarding claim 75, Reams discloses a receiving method as claimed in claim 74, further comprising a related data storing step for storing said related data disposed in said additional information when said predetermined input occurs (column 8, lines 11-18)

Regarding claim 76, Reams discloses a receiving method as claimed in claim 75, wherein said related data disposed in said additional information is encoded (column 7, lines 12-24).

Regarding claims 101-113 and 115-119, the claimed device includes features corresponding to subject matter mentioned in the above rejection of claims 58-70 and 72-76 which is applicable hereto.

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Regarding claim 144, Reams discloses a transfer method of a transfer system comprising a transmitting device (Fig. 1, column 4, lines 35-67) for transmitting a predetermined broadcast signal together with predetermined additional information, and a receiving device (Fig. 1, column 16, line 11-column 17, line 49) for receiving said predetermined broadcast signal together with said predetermined additional information, wherein said transmitting device comprises:

a constructing step (Fig. 1, column 4, lines 35-67 and column 15, lines 14-27) for constructing said additional information in which acquiring information (Fig. 2, column 15, lines 14-27) necessary to acquire related data related to said broadcast signal is disposed, and

a transmitting step (Fig. 1, column 15, lines 36-61) for transmitting said broadcast signal, and transmitting said additional information, in which said acquiring information concerning said related data related to this broadcast signal is disposed, on plural occasions (column 17, lines 26-42) during the transmission of said broadcast signal, and

said receiving device comprises:

a receiving step (column 16, lines 34-61) for receiving said broadcast signal and additional information, and

an acquiring information storing step (Fig. 1, block 17, column 16, lines 46-61) for storing said acquiring information disposed in said additional information when there is a predetermined input.

Regarding claim 145, the claimed device includes features corresponding to subject matter mentioned in the above rejection of claim 144 which is applicable hereto.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14, 15, 46, 82, and 125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reams (U.S. Patent No. 5, 907, 793).

Regarding claims 14, 46, 82, and 125, Reams does not disclose the broadcast signal is a signal in which a second signal is superimposed on a first signal. Reams does disclose television broadcast signals (column 4, lines 35-58) which include both video and audio signals.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made that a television broadcast signal is a signal which incorporated an audio signal superimposed on a video signal. Thus, these claims do not constitute patentability.

Regarding claim 15, which inherits the limitations of claim 14, Reams does not disclose the first signal is a predetermined image or sound, and the second signal is noise apart from the the image or sound. Reams does disclose television broadcast signals (column 4, lines 35-58) which include both image and noise signals. Therefore, it would have been obvious to one skilled in the art at the time the invention was made that a television broadcast signal is a signal which incorporates a noise signal corresponding to a predetermined video signal. Thus, these claim 15 does not constitute patentability.

Allowable Subject Matter

6. Claims 10, 16-31, 42, 47-57, 71, 77-81, 83-100, 114, 120-124, and 126-143 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Park et al. (U.S. Patent No. 6, 295, 093) discloses transmitting and receiving additional information necessary to acquire related data (caption) related to the broadcast signal.

Roop et al. (U. S. Patent No. 6, 216, 265) also discloses transmitting and receiving additional information necessary to acquire related data (program guide) related to the broadcast signal.

Jeffers et al. (U.S. Patent No. 4, 739, 510) discloses transmitting and receiving synchronization and broadcast program related information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis B. Odom whose telephone number is 703-305-4097. The examiner can normally be reached on Monday- Friday, 8-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone numbers for the

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organization where this application or proceeding is assigned are 709-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Curtis Odom
November 6, 2003



STEPHEN CHIN
SUPERVISORY PATENT EXAMINER
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